

SENATE BILL NO. 1249

September 15, 1998, Introduced by Senators SCHUETTE, NORTH,
CHERRY, BENNETT, BULLARD, BYRUM and STILLE and referred to
the Committee on Farming, Agribusiness and Food Systems.

A bill to amend 1943 PA 183, entitled
"County zoning act,"
by amending the title and sections 31, 32, 33, 39, and 40 (MCL
125.231, 125.232, 125.233, 125.239, and 125.240), the title and
sections 31 and 32 as amended and sections 33, 39, and 40 as
added by 1996 PA 569, and by adding section 32a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for the establishment in portions of coun-
3 ties lying outside the limits of incorporated cities and villages
4 of zoning districts within which the proper use of land and natu-
5 ral resources may be encouraged or regulated by ordinance, and
6 for which districts provisions may also be adopted designating
7 the location of, the size of, the uses that may be made of, the
8 minimum open spaces, sanitary, safety, and protective measures

1 that are required for, and the maximum number of families that
2 may be housed in dwellings, buildings, and structures that are
3 erected or altered; to designate the use of certain state
4 licensed residential facilities; to provide for a method for the
5 adoption of ordinances and amendments to ordinances; to provide
6 for emergency interim ordinances; to provide by ordinance for the
7 acquisition by purchase, condemnation, or otherwise, of property
8 that does not conform to the requirements of the zoning districts
9 so provided; to provide for the administering of ordinances
10 adopted; to provide for conflicts with other acts, ordinances, or
11 regulations; to provide sanctions for violations; to provide for
12 the assessment, levy, and collection of taxes; to provide for
13 referenda; to provide for appeals; to authorize the purchase AND
14 TRANSFER of development rights; to authorize the issuance of
15 bonds and notes; and to provide for special assessments.

16 Sec. 31. (1) The county board of commissioners of a county
17 may adopt a development rights ordinance limited to the estab-
18 lishment, financing, and administration of a PDR program OR TDR
19 PROGRAM, OR BOTH, as provided under this section and sections 32
20 ~~and~~ TO 33. ~~The~~ A PDR program OR TDR PROGRAM may be used only
21 to protect agricultural land and other eligible land. This sec-
22 tion and sections 32 ~~and~~ TO 33 do not expand the condemnation
23 authority of a county as otherwise provided for in this act. A
24 PDR program shall not acquire development rights by
25 condemnation. This section and sections 32 ~~and~~ TO 33 do not
26 limit any authority that may otherwise be provided by law for a

1 county to protect natural resources, preserve open space, provide
2 for historic preservation, or accomplish similar purposes.

3 (2) A county shall not establish, finance, or administer a
4 PDR program OR TDR PROGRAM unless the county board of commission-
5 ers adopts a development rights ordinance. If the county has a
6 zoning ordinance, the development rights ordinance may be adopted
7 as part of the zoning ordinance pursuant to the procedures gov-
8 erning adoption of a zoning ordinance set forth in this act.
9 Whether or not the county has a zoning ordinance, the development
10 rights ordinance may be adopted as a separate ordinance pursuant
11 to the procedures governing ordinance adoption in general.

12 (3) A county board of commissioners may promote and enter
13 into agreements between counties, cities, villages, and townships
14 for the purchase AND TRANSFER of development rights, including
15 cross-jurisdictional purchase AND TRANSFER, subject to applicable
16 development rights ordinances of counties and similar ordinances
17 of cities, villages, and townships.

18 Sec. 32. (1) A development rights ordinance ~~shall~~ MAY
19 provide for a PDR program. Under a PDR program, the county
20 ~~purchases~~ MAY PURCHASE development rights, but only from a
21 ~~willing~~ landowner WHO IS A WILLING SELLER. A development
22 rights ordinance providing for a PDR program shall specify all of
23 the following:

24 (a) The public benefits that the county may seek through the
25 purchase of development rights.

26 (b) The procedure by which the county or a landowner may by
27 application initiate a purchase of development rights, which

1 shall include city, village, or township approval if required
2 under subsection (5).

3 (c) The development rights authorized to be purchased
4 subject to a determination under standards and procedures
5 required by subdivision (d).

6 (d) The standards and procedure to be followed by the county
7 board of commissioners for approving, modifying, or rejecting an
8 application to purchase development rights including the determi-
9 nation of all of the following:

10 (i) Whether to purchase development rights.

11 (ii) Which development rights to purchase.

12 (iii) The intensity of development permitted after the pur-
13 chase on the land from which the development rights are
14 purchased.

15 (iv) The price at which development rights will be purchased
16 and the method of payment.

17 (v) The procedure for ensuring that the purchase or sale of
18 development rights is legally fixed so as to run with the land.

19 (e) The circumstances under which an owner of land from
20 which development rights have been purchased under a PDR program
21 may repurchase those development rights and how the proceeds of
22 the purchase are to be used by the county.

23 (2) If the county has a zoning ordinance, the purchase of
24 development rights shall be consistent with the plan referred to
25 in section 3 upon which the zoning ordinance is based.

26 (3) Development rights acquired under a PDR program may be
27 conveyed only as provided pursuant to subsection (1)(e).

1 (4) The county shall notify each city, village, or township
2 in which is located land from which development rights are pro-
3 posed to be purchased of the receipt of an application for the
4 purchase of development rights and shall notify each such city,
5 village, or township of the disposition of that application.

6 (5) The county shall not purchase development rights under a
7 development rights ordinance from land subject to a city, vil-
8 lage, or township zoning ordinance unless all of the following
9 requirements are met:

10 (a) The development rights ordinance provisions for the PDR
11 program are consistent with the plan upon which the city, vil-
12 lage, or township zoning is based.

13 (b) The legislative body of the city, village, or township
14 adopts a resolution authorizing the PDR program to apply in the
15 city, village, or township.

16 (c) As part of the application procedure for the specific
17 proposed purchase of development rights, the city, village, or
18 township provides the county with written approval of the
19 purchase.

20 SEC. 32A. (1) A DEVELOPMENT RIGHTS ORDINANCE MAY PROVIDE
21 FOR A TDR PROGRAM. UNDER A TDR PROGRAM, ONLY A WILLING
22 LANDOWNER'S DEVELOPMENT RIGHTS MAY BE TRANSFERRED. A DEVELOPMENT
23 RIGHTS ORDINANCE PROVIDING FOR A TDR PROGRAM SHALL SPECIFY ALL OF
24 THE FOLLOWING:

25 (A) THE PUBLIC BENEFITS THAT THE COUNTY MAY SEEK THROUGH THE
26 TRANSFER OF DEVELOPMENT RIGHTS, AND THE DEVELOPMENT RIGHTS
27 AUTHORIZED TO BE TRANSFERRED.

1 (B) THE PROCEDURES TO BE FOLLOWED BY THE COUNTY BOARD OF
2 COMMISSIONERS FOR ESTABLISHING THE PRECISE LOCATION OF EACH SEND-
3 ING ZONE AND RECEIVING ZONE AND LIMITING THE DEVELOPMENT RIGHTS
4 THAT MAY BE TRANSFERRED TO EACH RECEIVING ZONE. THOSE PROCEDURES
5 SHALL ENSURE, BUT NEED NOT BE LIMITED TO, ALL OF THE FOLLOWING:

6 (i) CONSIDERATION OF AN ESTIMATE OF POPULATION AND ECONOMIC
7 GROWTH DURING THE NEXT 10 YEARS IN THE COUNTY AND AN ESTIMATE OF
8 THE DEVELOPMENT POTENTIAL OF EACH PROPOSED SENDING ZONE AND
9 RECEIVING ZONE.

10 (ii) IF THE COUNTY HAS A ZONING ORDINANCE, CONSISTENCY WITH
11 THE PLAN REFERRED TO IN SECTION 3 UPON WHICH THE ZONING ORDINANCE
12 IS BASED.

13 (iii) CONSIDERATION OF AN ESTIMATE OF THE EXISTING AND PRO-
14 POSED INFRASTRUCTURE, INCLUDING SERVICES AND FACILITIES, OF EACH
15 PROPOSED RECEIVING ZONE.

16 (iv) THAT A RECEIVING ZONE BE ABLE TO ACCOMMODATE, IN TERMS
17 OF BOTH CAPACITY AND AVAILABILITY, THE INTENSITY OF DEVELOPMENT
18 ASSOCIATED WITH DEVELOPMENT RIGHTS THAT MAY BE TRANSFERRED FROM A
19 SENDING ZONE.

20 (v) AVOIDANCE OF UNDUE BURDEN UPON THE PEOPLE AND LAND
21 WITHIN THE RECEIVING ZONE.

22 (vi) CONSISTENCY WITH THE PURPOSES OF THIS SECTION AND WITH
23 THIS ACT.

24 (vii) IF ALL OR PART OF A SENDING ZONE OR RECEIVING ZONE IS
25 PROPOSED TO BE LOCATED IN AN AREA OF A TOWNSHIP THAT IS NOT
26 SUBJECT TO A TOWNSHIP OR VILLAGE ZONING ORDINANCE, WRITTEN NOTICE

1 TO THE TOWNSHIP BOARD AND AN OPPORTUNITY FOR COMMENT BY THE
2 TOWNSHIP.

3 (viii) CONSIDERATION OF THE INTENSITY OF DEVELOPMENT OTHER-
4 WISE ALLOWED UNDER APPLICABLE ZONING, BUILDING, AND OTHER ORDI-
5 NANCES BEFORE THE ADOPTION OF TDR PROGRAM PROVISIONS IN A DEVEL-
6 OPMENT RIGHTS ORDINANCE.

7 (C) THE PROCEDURE FOR A TRANSFER OF DEVELOPMENT RIGHTS,
8 INCLUDING THE PROCEDURE BY WHICH THE COUNTY OR A PROPERTY OWNER
9 MAY BY APPLICATION INITIATE A TRANSFER OF DEVELOPMENT RIGHTS.
10 EXCEPT AS PROVIDED IN SUBDIVISION (E) AND SUBSECTION (3)(B), AN
11 APPLICATION TO TRANSFER DEVELOPMENT RIGHTS SHALL INCLUDE, BUT
12 NEED NOT BE LIMITED TO, THE IDENTITY OF THE LAND WITHIN A SENDING
13 ZONE FROM WHICH THE DEVELOPMENT RIGHTS ARE PROPOSED TO BE SEVERED
14 AND THE IDENTITY OF THE LAND WITHIN A RECEIVING ZONE TO WHICH THE
15 DEVELOPMENT RIGHTS ARE PROPOSED TO BE ATTACHED.

16 (D) THE STANDARDS AND PROCEDURE TO BE FOLLOWED BY THE COUNTY
17 BOARD OF COMMISSIONERS FOR APPROVING, MODIFYING, OR REJECTING AN
18 APPLICATION TO TRANSFER DEVELOPMENT RIGHTS, INCLUDING THE DETER-
19 MINATION OF ALL OF THE FOLLOWING:

20 (i) WHETHER TO TRANSFER DEVELOPMENT RIGHTS.

21 (ii) WHICH DEVELOPMENT RIGHTS TO TRANSFER.

22 (iii) THE INTENSITY OF DEVELOPMENT PERMITTED AFTER THE
23 TRANSFER ON THE LAND FROM WHICH THE DEVELOPMENT RIGHTS ARE
24 SEVERED AND THE INTENSITY OF DEVELOPMENT PERMITTED AFTER THE
25 TRANSFER ON THE LAND TO WHICH THE DEVELOPMENT RIGHTS ARE
26 ATTACHED.

1 (iv) THE PROCEDURE FOR ENSURING THAT THE SEVERANCE OF
2 DEVELOPMENT RIGHTS FROM LAND IN A SENDING ZONE AND THE ATTACHMENT
3 OF THOSE DEVELOPMENT RIGHTS TO LAND IN A RECEIVING ZONE ARE
4 LEGALLY FIXED SO AS TO RUN WITH THE LAND FROM WHICH THE DEVELOP-
5 MENT RIGHTS HAVE BEEN SEVERED AND TO WHICH THE DEVELOPMENT RIGHTS
6 HAVE ATTACHED.

7 (E) THE CIRCUMSTANCES UNDER WHICH A LANDOWNER FROM WHOM
8 DEVELOPMENT RIGHTS HAVE BEEN ACQUIRED UNDER A TDR PROGRAM MAY
9 REPURCHASE THOSE DEVELOPMENT RIGHTS.

10 (2) THE INTENSITY OF DEVELOPMENT ALLOWED IN A RECEIVING ZONE
11 IF DEVELOPMENT RIGHTS ARE TRANSFERRED SHALL BE GREATER THAN THE
12 INTENSITY OF DEVELOPMENT THAT WAS ALLOWED IN THAT AREA OF LAND
13 UNDER ANY APPLICABLE ZONING ORDINANCE 1 YEAR BEFORE THE DEVELOP-
14 MENT RIGHTS ORDINANCE'S TDR PROGRAM PROVISIONS WERE ADOPTED. THE
15 INTENSITY OF DEVELOPMENT ALLOWED IN A RECEIVING ZONE IF DEVELOP-
16 MENT RIGHTS ARE NOT TRANSFERRED SHALL NOT BE LESS THAN THE INTEN-
17 SITY OF DEVELOPMENT THAT WAS ALLOWED IN THAT AREA OF LAND UNDER
18 THE APPLICABLE ZONING ORDINANCE 1 YEAR BEFORE THE DEVELOPMENT
19 RIGHTS ORDINANCE'S TDR PROGRAM PROVISIONS WERE ADOPTED.

20 (3) A COUNTY WITH A TDR PROGRAM MAY DO 1 OR BOTH OF THE
21 FOLLOWING:

22 (A) FACILITATE TRANSFERS OF DEVELOPMENT RIGHTS DIRECTLY
23 BETWEEN WILLING LANDOWNERS AT THE PRICE AGREED UPON BY THE WILL-
24 ING LANDOWNERS.

25 (B) PURCHASE DEVELOPMENT RIGHTS IN A SENDING ZONE FROM A
26 LANDOWNER WHO IS A WILLING SELLER, TEMPORARILY HOLD THE
27 DEVELOPMENT RIGHTS, AND SELL THE DEVELOPMENT RIGHTS TO A

1 PURCHASER FOR ATTACHMENT TO LAND IN A RECEIVING ZONE. THE
2 PURCHASE AND SALE OF DEVELOPMENT RIGHTS SHALL BE AT FAIR MARKET
3 VALUE, BASED UPON A BONA FIDE APPRAISAL.

4 (4) EXCEPT AS PROVIDED PURSUANT TO SUBSECTION (1)(E), DEVEL-
5 OPMENT RIGHTS ACQUIRED UNDER A TDR PROGRAM MAY BE SOLD ONLY TO A
6 LANDOWNER IN A RECEIVING ZONE FOR ATTACHMENT TO LAND IN A RECEIV-
7 ING ZONE.

8 (5) EXCEPT AS PROVIDED PURSUANT TO SUBSECTION (1)(E) OR
9 UNDER SUBSECTION (3)(B), DEVELOPMENT RIGHTS SHALL NOT BE SEVERED
10 UNLESS THE COUNTY HAS APPROVED THE ATTACHMENT OF THOSE DEVELOP-
11 MENT RIGHTS TO LAND IN A RECEIVING ZONE. EXCEPT FOR THE PERIOD
12 DURING WHICH DEVELOPMENT RIGHTS MAY BE TEMPORARILY HELD BY A
13 COUNTY UNDER SUBSECTION (3)(B), THE SEVERANCE OF DEVELOPMENT
14 RIGHTS FROM LAND IN A SENDING ZONE SHALL BE SIMULTANEOUS WITH THE
15 ATTACHMENT OF THOSE DEVELOPMENT RIGHTS TO LAND IN A RECEIVING
16 ZONE.

17 (6) THE COUNTY SHALL NOTIFY EACH CITY, VILLAGE, OR TOWNSHIP
18 IN WHICH IS LOCATED LAND FROM WHICH DEVELOPMENT RIGHTS ARE PRO-
19 POSED TO BE SEVERED OR TO WHICH DEVELOPMENT RIGHTS ARE PROPOSED
20 TO BE ATTACHED OF THE RECEIPT OF AN APPLICATION FOR THE TRANSFER
21 OF DEVELOPMENT RIGHTS AND SHALL NOTIFY EACH SUCH CITY, VILLAGE,
22 OR TOWNSHIP OF THE DISPOSITION OF THAT APPLICATION.

23 (7) A COUNTY SHALL NOT APPROVE THE TRANSFER OF DEVELOPMENT
24 RIGHTS FROM OR TO LAND THAT IS LOCATED IN THAT COUNTY AND THAT IS
25 SUBJECT TO A CITY, VILLAGE, OR TOWNSHIP ZONING ORDINANCE UNLESS
26 THE COUNTY AND THE CITY, VILLAGE, OR TOWNSHIP, RESPECTIVELY, HAVE
27 ENTERED INTO AN AGREEMENT UNDER SECTION 31(3). A COUNTY SHALL

1 NOT APPROVE THE TRANSFER OF DEVELOPMENT RIGHTS FROM OR TO LAND
2 LOCATED OUTSIDE OF THAT COUNTY UNLESS THE COUNTY HAS ENTERED INTO
3 AN AGREEMENT UNDER SECTION 31(3).

4 (8) A LANDOWNER MAY DEVELOP LAND WITHIN A RECEIVING ZONE AT
5 THE INTENSITY OF DEVELOPMENT ALLOWED UNDER APPLICABLE ZONING,
6 BUILDING, AND OTHER ORDINANCES APART FROM THE DEVELOPMENT RIGHTS
7 ORDINANCE OR, IF DEVELOPMENT RIGHTS ARE TRANSFERRED FROM THE
8 LAND, MAY DEVELOP THE LAND AT A HIGHER INTENSITY OF DEVELOPMENT
9 AS ALLOWED UNDER THE DEVELOPMENT RIGHTS ORDINANCE. IF DEVELOP-
10 MENT RIGHTS HAVE NOT BEEN TRANSFERRED FROM LAND IN A SENDING
11 ZONE, THE LANDOWNER MAY DEVELOP THE LAND AT THE INTENSITY OF
12 DEVELOPMENT ALLOWED UNDER APPLICABLE ZONING, BUILDING, AND OTHER
13 ORDINANCES APART FROM THE DEVELOPMENT RIGHTS ORDINANCE.

14 Sec. 33. (1) A PDR program OR, EXCEPT AS PROVIDED IN SUBDI-
15 VISION (G), A TDR PROGRAM may be financed through 1 or more of
16 the following sources:

17 (a) General appropriations by the county.

18 (b) Proceeds from the sale of development rights by the
19 county subject to section 32(3) AND 32A(4).

20 (c) Grants.

21 (d) Donations.

22 (e) Bonds or notes issued under subsections (2) to (6).

23 (f) General fund revenue.

24 (g) ~~Special~~ FOR A PDR PROGRAM ONLY, SPECIAL assessments
25 under subsection (7).

26 (h) Other sources approved by the county board of
27 commissioners and permitted by law.

1 (2) The county board of commissioners may borrow money and
2 issue bonds or notes under the municipal finance act, ~~Act~~
3 ~~No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3~~
4 ~~of the Michigan Compiled Laws~~ 1943 PA 202, MCL 131.1 TO 139.3,
5 subject to the general debt limit applicable to the county. The
6 bonds or notes may be revenue bonds or notes; general obligation
7 limited tax bonds or notes; subject to section 6 of article IX of
8 the state constitution of 1963, general obligation unlimited tax
9 bonds or notes; or bonds or notes to refund in advance bonds or
10 notes issued under this section.

11 (3) The county board of commissioners may secure bonds or
12 notes issued under this section by mortgage, assignment, or
13 pledge of property including, but not limited to, anticipated tax
14 collections, revenue sharing payments, or special assessment
15 revenues. A pledge made by the county board of commissioners is
16 valid and binding from the time the pledge is made. The pledge
17 IS immediately ~~shall be~~ subject to the lien of the pledge with-
18 out a filing or further act. The lien of the pledge ~~shall be~~
19 IS valid and binding as against parties having claims in tort,
20 contract, or otherwise against the county, irrespective of
21 whether the parties have notice of the lien. Filing of the reso-
22 lution, the trust agreement, or another instrument by which a
23 pledge is created is not required.

24 (4) Bonds or notes issued under this section are exempt from
25 all taxation in this state except inheritance and transfer taxes,
26 and the interest on the bonds or notes is exempt from all

1 taxation in this state, notwithstanding that the interest may be
2 subject to federal income tax.

3 (5) The bonds and notes issued under this section may be
4 invested in by the state treasurer and all other public officers,
5 state agencies and political subdivisions, insurance companies,
6 banks, savings and loan associations, investment companies, and
7 fiduciaries and trustees, and may be deposited with and received
8 by the state treasurer and all other public officers and the
9 agencies and political subdivisions of this state for all pur-
10 poses for which the deposit of bonds or notes is authorized. The
11 authority granted by this section is in addition to all other
12 authority granted by law.

13 (6) The county board of commissioners may borrow money and
14 issue bonds or notes for refunding all or part of existing bond
15 or note indebtedness only if the net present value of the princi-
16 pal and interest to be paid on the refunding bonds or notes,
17 excluding the cost of issuance, will be less than the net present
18 value of the principal and interest to be paid on the bonds or
19 notes being refunded, as calculated using a method approved by
20 the department of treasury.

21 (7) A development rights ordinance may authorize the county
22 board of commissioners to finance a PDR program by special
23 assessments. In addition to meeting the requirements of
24 section 32, the development rights ordinance shall include in the
25 procedure to approve and establish a special assessment district
26 both of the following:

1 (a) The requirement that there be filed with the county
2 board of commissioners a petition containing all of the
3 following:

4 (i) A description of the development rights to be purchased,
5 including a legal description of the land from which the purchase
6 is to be made.

7 (ii) A description of the proposed special assessment
8 district.

9 (iii) The signatures of the owners of at least 66% of the
10 land area in the proposed special assessment district.

11 (iv) The amount and duration of the proposed special
12 assessments.

13 (b) The requirement that the county board of commissioners
14 specify how the proposed purchase of development rights will spe-
15 cially benefit the land in the proposed special assessment
16 district.

17 Sec. 39. A township in which ~~an~~ A ZONING ordinance
18 enacted under the township zoning act, ~~Act No. 184 of the Public~~
19 ~~Acts of 1943, being sections 125.271 to 125.310 of the Michigan~~
20 ~~Compiled Laws~~ 1943 PA 184, MCL 125.271 TO 125.310, is in effect
21 is not subject, unless otherwise provided in this act, to ZONING
22 PROVISIONS OF an ordinance, rule, or regulation adopted under
23 this act.

24 Sec. 40. (1) As used in this act:

25 (a) "Agricultural land" means substantially undeveloped land
26 devoted to the production of plants and animals useful to humans,
27 including forage and sod crops; grains, feed crops, and field

1 crops; dairy and dairy products; poultry and poultry products;
2 livestock, including breeding and grazing of cattle, swine, and
3 similar animals; berries; herbs; flowers; seeds; grasses; nursery
4 stock; fruits; vegetables; Christmas trees; and other similar
5 uses and activities.

6 (b) "Development rights" means the rights to develop land to
7 the maximum intensity of development authorized by law.

8 (c) "Development rights ordinance" means an ordinance, which
9 may comprise part of a zoning ordinance, adopted under
10 section 31.

11 (d) "Intensity of development" means the height, bulk, area,
12 density, setback, use, and other similar characteristics of
13 development.

14 (e) "Other eligible land" means land that has a common prop-
15 erty line with agricultural land from which development rights
16 have been purchased OR TRANSFERRED and that is not divided from
17 that agricultural land by a state or federal limited access
18 highway.

19 (f) "PDR program" means a program under section 32 for the
20 purchase of development rights by a county.

21 (G) "RECEIVING ZONE" MEANS AN AREA OF LAND IDENTIFIED PURSU-
22 ANT TO A DEVELOPMENT RIGHTS ORDINANCE WHERE DEVELOPMENT COULD BE
23 MORE INTENSE THAN PERMITTED BY THE DEVELOPMENT RIGHTS ATTACHED TO
24 THAT LAND WITHOUT ADVERSELY AFFECTING PUBLIC HEALTH, SAFETY, OR
25 WELFARE, AND TO WHICH DEVELOPMENT RIGHTS CAN BE TRANSFERRED FROM
26 A SENDING ZONE.

1 (H) "SENDING ZONE" MEANS AN AREA OF LAND IDENTIFIED PURSUANT
2 TO A DEVELOPMENT RIGHTS ORDINANCE WHERE DEVELOPMENT SHOULD BE
3 LESS INTENSE THAN PERMITTED BY THE DEVELOPMENT RIGHTS ATTACHED TO
4 THAT LAND TO ACHIEVE A PUBLIC BENEFIT SET FORTH IN THE DEVELOP-
5 MENT RIGHTS ORDINANCE AND FROM WHICH DEVELOPMENT RIGHTS CAN BE
6 TRANSFERRED TO A RECEIVING ZONE.

7 (I) "TDR PROGRAM" MEANS A PROGRAM UNDER SECTION 32A FOR THE
8 TRANSFER OF DEVELOPMENT RIGHTS BY SEVERING DEVELOPMENT RIGHTS
9 FROM CERTAIN LAND AND ATTACHING THOSE DEVELOPMENT RIGHTS TO OTHER
10 LAND.

11 (2) This act shall be known and may be cited as the "county
12 zoning act".